

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA

LEAH DICE,	)	CIVIL DIVISION
	)	
Plaintiff	)	No.
v.	)	2:18-CV-839
	)	
PROGRESSIVE INSURANCE,	)	
	)	
Defendant	)	

**NOTICE OF REMOVAL**

NOW, comes the Defendant, Progressive Insurance (“Progressive”) by and through its attorneys, Burns White LLC, and files this Notice of Removal pursuant to 28 U.S.C. § 1441, *et seq.* Progressive submits that the United States District Court for the Western District of Pennsylvania has original diversity jurisdiction over this civil action and this matter may be removed to the District Court in accordance with the procedures provided at 28 U.S.C. § 1446. In further support of this Notice of Removal, Progressive states as follows:

1. Plaintiff Leah Dice initiated this action by filing a Complaint in the Court of Common Pleas of Fayette County on May 25, 2018. A true and correct copy of the Complaint is attached as Exhibit “A.”

2. On June 4, 2018, a Praecipe for Appearance was filed by co-counsel for Progressive, Jeffrey A. Ramaley, Esq. A true and correct copy of the Praecipe for Appearance is attached as Exhibit “B.”

3. On June 5, 2018, a Sheriff’s Return of Service was filed. A true and correct copy of the Sheriff’s Return is attached as Exhibit “C.”

4. Upon information and belief, the documents which are attached hereto as Exhibits “A” through “C” constitute all of the pleadings, process, and orders which were filed in connection with the state court action.

5. Plaintiff is an adult individual residing in Smithfield, Pennsylvania.

6. Both at the time Plaintiff initiated this action and at the time of this Removal, Plaintiff was and is a citizen of Pennsylvania.

7. “Progressive Insurance” is not a legal entity capable of being sued.

8. United Financial Casualty Company issued the insurance policy that forms the basis of this action.

9. United Financial Casualty Company is not incorporated in Pennsylvania, nor does United Financial Casualty Company have its principal place of business in Pennsylvania.

10. Rather, United Financial Casualty Company is an Ohio corporation with its principal place of business in Ohio with an address of 6300 Wilson Mills Road, Mayfield Village, Ohio 44143.

11. Both at the time Plaintiff initiated this action and at the time of this Removal, United Financial Casualty Company was and is a citizen of Ohio.

12. Plaintiff alleges that she is entitled to underinsured motorist benefits pursuant to an automobile insurance policy which provided \$100,000 in underinsured motorist coverage, subject to all of the terms and conditions of the policy.

13. Plaintiff also alleges that Progressive violated Pennsylvania’s bad faith statute, 42 Pa. C.S.A. § 8371, and seeks punitive damages, interest on the underinsured motorist claim, and attorney’s fees.

14. As Plaintiff asserts that she is entitled to underinsured motorist damages under a policy that provides a total of \$100,000 in underinsured motorist coverage, as well as punitive damages, interest on the underinsured motorist claim, and attorney's fees, the amount in controversy exceeds the jurisdictional requirement of \$75,000.

15. Because Plaintiff and Progressive are citizens of different states, and because the amount in controversy exceeds \$75,000, the United States District Court for the Western District of Pennsylvania has original jurisdiction over this matter. See 28 U.S.C. § 1332.

16. Section 1332 confers original jurisdiction over all civil matters where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

17. Progressive submits that this matter may be removed to the United States District Court for the Western District of Pennsylvania pursuant to 28 U.S.C. § 1441, which permits removal of any civil action to the district courts that have original jurisdiction.

WHEREFORE, Defendant, Progressive Insurance, removes this civil action to the United States District Court for the Western District of Pennsylvania, pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

BURNS WHITE LLC

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on June 22, 2018, the within **NOTICE OF REMOVAL** was filed electronically and will be served upon counsel for all parties.

/s/Daniel J. Twilla  
Daniel J. Twilla